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1922-CC00182 - DEON BENSON V ALL STATE FIRE AND CASUALTY  
INSURANCE (E-CASE)

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## 02/20/2019 ☐ Jury Trial Scheduled

Scheduled For: 07/22/2019; 9:00 AM ; REX M BURLISON; City of St. Louis

## ☐ Hearing Continued/Rescheduled

Hearing Continued From: 07/22/2019; 9:00 AM Jury Trial

## ☐ Jury Trial Scheduled

Associated Entries: 02/20/2019 - Hearing Continued/Rescheduled

Scheduled For: 07/22/2019; 9:00 AM ; ROBIN RANSOM; City of St. Louis

## 02/04/2019 ☐ Notice of Service

Service Summons.

Filed By: BENJAMIN JOSEPH SANSONE

On Behalf Of: DEON BENSON

## ☐ Corporation Served

Document ID - 19-SMCC-602; Served To - ALL STATE FIRE AND CASUALTY INSURANCE COMPANY; Server - ; Served Date - 01-FEB-19; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served; Service Text - Served @ CT CORP, 120 S CENTRAL AVE STE 400, STL,MO 63105

## 01/25/2019 ☐ Summons Issued-Circuit

Document ID: 19-SMCC-602, for ALL STATE FIRE AND CASUALTY INSURANCE COMPANY.

## ☐ Filing Info Sheet eFiling

Filed By: BENJAMIN JOSEPH SANSONE

## ☐ Motion Special Process Server

SPECIAL PROCESS SERVER.

Filed By: BENJAMIN JOSEPH SANSONE

On Behalf Of: DEON BENSON

## ☐ Pet Filed in Circuit Ct

PETITION.

Filed By: BENJAMIN JOSEPH SANSONE

## ☐ Judge Assigned

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI

DEON BENSON	)	
	)	
Plaintiff	)	
	)	Cause No.
v.	)	
	)	Division No.
ALLSTATE FIRE AND CASUALTY	)	
INSURANCE COMPANY	)	
	)	
Serve: Director of Insurance	)	
301 West High Street, Suite 630	)	
Jefferson City, MO 65102	)	
	)	
Defendant.	)	

**PETITION**

COMES NOW Plaintiff DEON BENSON, for his Petition against Defendant ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY ("ALLSTATE INSURANCE"), states as follows:

1. Plaintiff is individual residing in Missouri.
2. Defendant Allstate Insurance is a company in good standing doing business in the State of Missouri with the capacity to sue and be sued. Defendant maintains an agent in the City of St Louis for the transaction of usual and customary business.
3. Venue is proper in the Circuit Court of the City of St. Louis pursuant to Mo. Rev. Stat. § 508.010(2) as Defendant maintains offices and agents in the City of St. Louis.
4. At all times relevant to this action, there was in full force and effect a policy of insurance covering Plaintiff for uninsured motorist coverage which Defendant had sold to the plaintiff. Policy # 995526122 provided uninsured motorist coverage to Plaintiff.

5. Under the uninsured motorist coverage provisions of the aforesaid policy, Defendant must pay its insured all sums to which he/she/they are legally entitled to recover for damages as a result of actions of the owners or operators of uninsured motor vehicles, as that term is used and defined in the insurance policy and Missouri law.

6. ROBERT BEAUCHAMP was an uninsured motorist per the policy language.

7. At the time of the collision, Robert Beauchamp was not covered by a policy of liability insurance. As such, Robert Beauchamp identified herein was an uninsured motorist as that term is used and defined in the policy of insurance sold by Defendant and covering Plaintiff as identified above.

8. Plaintiff is insured under the terms of the policy of insurance issued by Defendant and has complied with all conditions precedent under the terms of the insurance policy in order to recover uninsured motorist benefits.

9. On October 17, 2017 Plaintiff was travelling southbound on Hampton by its intersection with Berthold pursuant to green light, in 2006 Pontiac Torrent, VIN 2CKDL63F666110832.

10. On October 17, 2017, Robert Beauchamp was traveling northbound on Hampton by its intersection with Berthold, where he attempted a left turn onto westbound Berthold, and crashed into Plaintiff.

11. Said collision and injuries to the Plaintiff were directly and proximately caused by the carelessness and negligence of Robert Beauchamp (hereinafter "UM DRIVER") in one or more of the following respects:

- a. UM DRIVER did not yield;
- b. UM DRIVER failed to obey traffic signs;

- c. UM DRIVER failed to keep and maintain a careful lookout for other vehicles, property and persons on the roadway.
- d. UM Driver drove at an excessive speed;
- e. UM driver failed to stop, reduce speed, change directions, or sound a horn to avoid collision.

12. As a direct and proximate result of one or more of the foregoing acts of negligence, Plaintiff was caused to suffer severe, permanent and progressive head injury along with concussion, shoulder, knee and leg injuries.

13. In addition to his injuries, the Plaintiff has endured pain and suffering, loss of enjoyment of life. Additionally, Plaintiff will incur future medical expenses, future pain and suffering, and future loss of enjoyment of life.

WHEREFORE, Plaintiff Deon Benson requests that Court enter judgment against Defendant Allstate Insurance, in an amount in excess of \$25,000.00 each for his costs herein incurred and for such other and further relief as the Court deems just and reasonable under the circumstances.

## **Count II Vexatious Refusal**

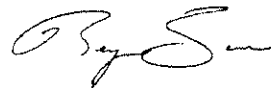
COMES NOW Plaintiff and for her second cause of action against Allstate states as follows:

- 14. Plaintiff incorporates paragraphs 1 through 13 as though fully set forth herein.
- 15. Defendant's refusal to pay Plaintiff the benefits she is entitled to receive under the aforementioned policy of insurance is without reasonable cause or excuse.
- 16. Defendant has refused to fully and fairly compensate Plaintiff.
- 17. As such, Plaintiff also makes a claim for an additional amount as a penalty not to exceed twenty percent of the first \$1,500.00 of the award on the policy not including interest and ten

percent of the remainder of such award and an award to Plaintiff of a reasonable sum for attorney's fees pursuant to Mo. Rev. Stat. § 375.420.

WHEREFORE, Plaintiff prays for a judgment against Defendant for an additional amount as a penalty not to exceed twenty percent of the first \$1,500.00 of the award on the policy not including interest and ten percent of the remainder of such award and for an award to Plaintiff of a reasonable sum for attorney's fees, for Plaintiff's costs incurred and expended herein, and for such other and further relief deemed appropriate under the circumstances.

Respectfully submitted:



Benjamin J. Sansone, #53852  
SANSONE & LAUBER  
7777 Bonhomme Ave  
Suite 2100  
Clayton, Missouri 63105  
(314) 863-0500  
(314) 677-3530 FAX  
[Ben@MissouriLawyers.com](mailto:Ben@MissouriLawyers.com)

ATTORNEY FOR PLAINTIFF

In the  
**CIRCUIT COURT**  
 City of St. Louis, Missouri



For File Stamp Only

DEON BENSON

Plaintiff/Petitioner

01/25/2019

Date

vs.

ALLSTATE FIRE AND CASUALTY INSURANCE CC

Defendant/Respondent

Case number

Division

### REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff \_\_\_\_\_, pursuant  
 \_\_\_\_\_, Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of  
 Barb Stempel 1320 Wisteria Lane St. Clair, MO

314-780-4040

Name of Process Server \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_

Name of Process Server \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_

Name of Process Server \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_

to serve the summons and petition in this cause on the below named parties.

SERVE:  
 DIRECTOR OF INSURANCE

Name  
 301 WEST HIGH STREET, STE. 630

Address  
 JEFFERSON CITY, MO 65102

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

**TOM KLOEPPINGER**, Circuit Clerk

By \_\_\_\_\_  
 Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

/s/ Benjamine Sansone

Attorney/Plaintiff/Petitioner  
 53852

Bar No.  
 Ben@MissouriLawyers.com

Address  
 314-863-0500

Phone No.

#### **RULE 14 SPECIAL PROCESS SERVERS**

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to this rule to serve process.
2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:
  - a. Is twenty-one years of age or older;
  - b. Has a high school diploma or an equivalent level of education;
  - c. Has insurance coverage for any errors or omissions occurring in the service of process;
  - d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,
  - e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.
3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, any other occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.
4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.
5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.
6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.

7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:

- a. Misrepresentation of duty or authority;
- b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;
- c. Improper use of the license;
- d. Making a false return; or
- e. Any other good cause.

Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.
9. Applications for the appointment of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Orders Appointing special process servers may list more than one licensed server as alternatives.
10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

(Approved 9/28/92; amended 11/23/92; 5/31/95; 12/17/07)




**SPECIAL PROCESS SERVER**

IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ROBIN RANSOM	Case Number: 1922-CC00182	Special Process Server 1 B STEMPEL
Plaintiff/Petitioner: DEON BENSON	Plaintiff's/Petitioner's Attorney/Address BENJAMIN JOSEPH SANSONE 7777 BONHOMME SUITE 2000 SAINT LOUIS, MO 63105	Special Process Server 2
Defendant/Respondent: ALL STATE FIRE AND CASUALTY INSURANCE COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

**Summons in Civil Case**

The State of Missouri to:	ALL STATE FIRE AND CASUALTY INSURANCE COMPANY
Alias:	
DIRECTOR OF INSURANCE 301 WEST HIGH STREET STE 630 JEFFERSON CITY, MO 65102 COURT SEAL OF	<b>COLE COUNTY</b>
 CITY OF ST LOUIS	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.
January 25, 2019	
Date	<i>Thomas H. Hoppinger</i>
Further Information:	

**Sheriff's or Server's Return****Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address) in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




# SPECIAL PROCESS SERVER

IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ROBIN RANSOM	Case Number: 1922-CC00182	Special Process Server 1 B STEMPER
Plaintiff/Petitioner: DEON BENSON	Plaintiff's/Petitioner's Attorney/Address BENJAMIN JOSEPH SANSONE 7777 BONHOMME SUITE 2000 SAINT LOUIS, MO 63105	Special Process Server 2
vs.		Special Process Server 3
Defendant/Respondent: ALL STATE FIRE AND CASUALTY INSURANCE COMPANY	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Vehicular		(Date File Stamp)

## Summons in Civil Case

The State of Missouri to:	ALL STATE FIRE AND CASUALTY INSURANCE COMPANY
Alias:	
DIRECTOR OF INSURANCE 301 WEST HIGH STREET STE 630 JEFFERSON CITY, MO 65102	COLE COUNTY
COURT SEAL OF  CITY OF ST LOUIS	<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>January 25, 2019</p> <p>Date</p> <p>Further Information:</p>
<p><b>Sheriff's or Server's Return</b></p> <p><b>Note to serving officer:</b> Summons should be returned to the court within 30 days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the defendant/respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).</p> <p><input type="checkbox"/> other: _____</p> <p>Served at <u>CT Corp, 120 S. Central Ave. # 400</u> (address) in <u>St. Louis, 63105</u> (County/City of St. Louis), MO, on <u>02/01/2019</u> (date) at <u>11:56 AM</u> (time).</p> <p>Printed Name of Sheriff or Server _____ Signature of Sheriff or Server _____</p> <p><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>Subscribed and sworn to before me on <u>2/1/2019</u> (date)</p> <p>My commission expires: <u>Benjamin J Sansone</u> (Notary Public) <u>Missouri ID # 53852</u> <u>RSMo 486.200(5)</u></p> <p><b>Sheriff's Fees, if applicable</b></p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ <u>10.00</u></p> <p>Supplemental Surcharge \$ _____</p> <p>Mileage \$ _____ (_____ miles @ \$ _____ per mile)</p> <p>Total \$ _____</p> <p>A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	